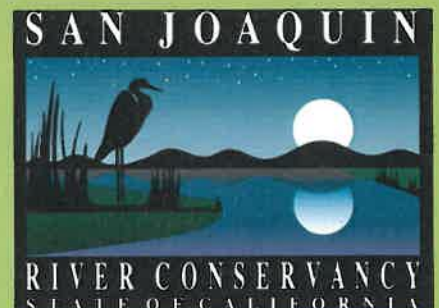


BOARD MEETING REMINDER

**The September 5, 2018,
Board meeting begins at
10:00 a.m. at the Fresno
Metropolitan Flood
Control District Board
Room**

**Please note the earlier
seasonal starting time,
February through October.**





250.20

STATE OF CALIFORNIA
Edmund G. Brown, Jr., Governor

5469 E. Olive Avenue
Fresno, California 93727
Telephone (559) 253-7324
Fax (559) 456-3194
www.sjrc.ca.gov

GOVERNING BOARD

Brett Frazier, Chairperson
*Supervisor,
Madera County Board of Supervisors*

William Oliver, Vice-Chairperson
Councilmember, City of Madera

Andreas Borgeas, *Supervisor
Fresno County Board of Supervisors*

Steve Brandau
Councilmember, City of Fresno

Kacey Auston, *Director, Fresno
Metropolitan Flood Control District*

Carl Janzen, *Director
Madera Irrigation District*

Julie Vance, *Regional Manager
Department of Fish and Wildlife*

Kent Gresham, *Sector Superintendent
Department of Parks & Recreation*

John Donnelly, *Executive Director
Wildlife Conservation Board*

Julie Alvis, *Deputy Assistant Secretary
Natural Resources Agency*

Jennifer Lucchesi, *Executive Officer
State Lands Commission*

Karen Finn, *Program Budget Manager
Department of Finance*

Bryn Forhan
Paul Gibson
Vacant
Citizen Representatives

Melinda S. Marks
Executive Officer

SAN JOAQUIN RIVER CONSERVANCY

The San Joaquin River Conservancy Governing Board
will hold a regular meeting on
Wednesday, September 5, 2018,
commencing at **10:00 a.m.**

Board Meeting Locations:
Fresno Metropolitan Flood Control District
5469 E. Olive, Fresno CA 93727
and the following location is available to Board members
and the public for participation via teleconference:
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

MEETING AGENDA

CALL TO ORDER & PLEDGE OF ALLEGIANCE

A. ROLL CALL

B. PUBLIC COMMENT & BUSINESS FROM THE FLOOR

The first ten minutes of the meeting are reserved for members of the public who wish to address the Conservancy Board on items of interest that are not on the agenda and are within the subject matter jurisdiction of the Conservancy. Speakers shall be limited to three minutes. The Board is prohibited by law from taking any action on matters discussed that are not on the agenda; no adverse conclusions should be drawn if the Board does not respond to the public comment at this time.

C. ADDITIONS TO THE AGENDA

Items identified after preparation of the agenda for which there is a need to take immediate action. Two-thirds vote required for consideration. (Gov. Code § 54954.2(b)(2))

D. POTENTIAL CONFLICTS OF INTEREST

Any Board member who has a potential conflict of interest may identify the item and recuse themselves from discussion and voting on the matter. (FPPC §97105)

E. CONSENT CALENDAR

- E-1 Approve Minutes of June 6, 2018
- E-2 Report on Contribution of Conservancy Habitat Restoration Investments toward North American Wetlands Conservation Act Grant Proposal Match
- E-3 Authorize Cooperation with the County of Madera in a River Parkways Grant Application Concept Proposal, Madera County River Access Development Project
- E-4 Authorize Temporary, Interim Delegation of Authority for Executive and Administrative Actions
- E-5 Report for Informational Purposes Regarding the Potential to Proceed with Engineered Designs and Construction Plans to Create "Shovel Ready" Projects

F. DISCUSSION ITEMS

- F-1 Review and Make Determinations Regarding a Revised Easement Associated with the San Joaquin Access Corporation's Option Agreement, River West Fresno, Eaton Trail Extension and North Palm Access Benchmark
- F-2 Adopt Resolution 18-02, Intent to Cooperate in Public Access Application for Ball Ranch and Ledger Island Trails to the State Lands Commission; Applicant: The River Conservancy at Tesoro Viejo

G. ADMINISTRATIVE AND COMMITTEE REPORTS

- G-1 Organizations
If time allows, the following oral reports will be provided for informational purposes only, and may be accompanied by written reports in the Board packet. No action of the Board is recommended.
 - G-1a San Joaquin River Parkway and Conservation Trust
 - G-1b RiverTree Volunteers
- G-2 Deputy Attorney General Report
- G-3 Executive Officer Report
 - G-3a Status Report for Informational Purposes on Board-Accepted Priorities for Land Acquisitions, Habitat Enhancement, Public Access, and Recreation Projects
- G-4 Board Members' Reports

H. EXECUTIVE SESSION

Public Comment: Before convening in closed session, members of the public will be provided the opportunity to comment on Executive Session agenda items.

- H-1 **Conference with Legal Counsel—Anticipated Litigation**
Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9:
1 potential case, Bluff Pointe Golf Center Lease

- H-2 **Government Code Section 54956.8**
Consultation with real property negotiators concerning terms of negotiations, including price and terms of payment.

Property: Ball Family Trust, Cemex plant site
Fresno County (APNs 300-007-56 through 60)

Negotiating Parties: David Wasemiller, Realtor, agent for Ball Family Trust

Agency Negotiators: Melinda Marks, San Joaquin River Conservancy
Daniel Vasquez, Wildlife Conservation Board (WCB)

- H-3 **Government Code Section 54956.8**
Consultation with real property negotiators concerning terms of negotiations, including price and terms of payment.

Property: Moen Family Trust, Sycamore Island overlook and access
Madera County (APNs 049-101-016 and 049-101-019)

Negotiating Parties: Elizabeth Voge and Paul Moen

Agency Negotiators: Melinda Marks, San Joaquin River Conservancy
Daniel Vasquez, Wildlife Conservation Board (WCB)

- H-4 **Government Code Section 54956.8**
Consultation with real property negotiators concerning terms of negotiations, including price and terms of payment.

Property: Finch
Madera County (APN 051-200-025)

Negotiating Parties: Clifford and Joan Finch

Agency Negotiators: Melinda Marks, San Joaquin River Conservancy
Daniel Vasquez, Wildlife Conservation Board (WCB)

I. NOTICE OF BOARD, ADVISORY, AND PUBLIC MEETINGS

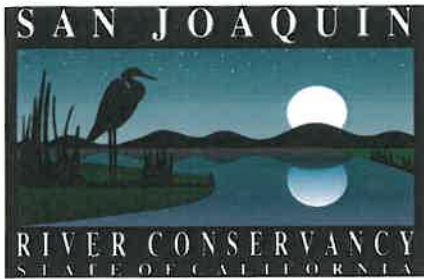
None.

J. NEXT BOARD MEETING DATE

The October 3, 2018, regularly scheduled Board meeting is hereby cancelled, due to the vacancy in the Executive Officer position. The next regularly scheduled meeting would be November 7, 2018, 10:30 a.m., at a location to be determined.

K. ADJOURN

Board meeting notices, agendas, and approved minutes are posted on the Conservancy's website, www.sjrc.ca.gov. For further information or if you need reasonable accommodation due to a disability, please contact Jasanjit Bains at (559) 253-7324 or Jasanjit.Bains@sjrc.ca.gov.



250.20

STATE OF CALIFORNIA
Edmund G. Brown, Jr., Governor

E-1

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Fresno, California 93727
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GOVERNING BOARD

Brett Frazier, Chairperson
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State Lands Commission

Karen Finn, Program Budget Manager
Department of Finance

Bryn Forhan
Paul Gibson
Vacant
Citizen Representatives

Melinda S. Marks
Executive Officer

MINUTES WEDNESDAY, JUNE 6, 2018 SAN JOAQUIN RIVER CONSERVANCY

The San Joaquin River Conservancy Governing Board,
Board Meeting Locations:

Fresno Metropolitan Flood Control District
5469 E. Olive, Fresno CA 93727
and teleconference:
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

MEETING AGENDA

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Mr. Frazier called the meeting to order at 10:00 a.m. and led the pledge of allegiance.

A. ROLL CALL

Name	Present	Telecon- ference	Absent	Late
Mr. Brett Frazier	X			
Mr. William Oliver	X			
Mr. Andreas Borgeas			X	
Mr. Steve Brandau			X	
Ms. Kacey Auston			X	
Mr. Carl Janzen	X			
Ms. Julie Alvis		X		
Mr. Gerald Hatler	X			
Mr. Kent Gresham	X			
Mr. John Donnelly	X			
Ms. Jennifer Lucchesi	X			
Ms. Karen Finn			X	
Ms. Bryn Forhan	X			
Mr. Paul Gibson	X			

Ms. Bains confirmed a quorum was present.

Legal Counsel Present: Michael Crow, Deputy Attorney General

Staff present: Melinda Marks, Executive Officer
Rebecca Raus, Associate Governmental Program Analyst
Jasanjit Bains, Staff Services Analyst
Heidi West, Program Manager, San Joaquin River Conservancy
Projects, Wildlife Conservation Board

B. PUBLIC COMMENT & BUSINESS FROM THE FLOOR

The first ten minutes of the meeting are reserved for members of the public who wish to address the Conservancy Board on items of interest that are not on the agenda and are within the subject matter jurisdiction of the Conservancy. Speakers shall be limited to three minutes. The Board is prohibited by law from taking any action on matters discussed that are not on the agenda; no adverse conclusions should be drawn if the Board does not respond to the public comment at this time.

Mr. Ted Morgan, a resident of Fresno, expressed concern regarding the removal of the mature Sycamore trees at Palm and Nees. He urged the Board to ask questions about the actual progress of the project and more than a decade of delays.

C. ADDITIONS TO THE AGENDA

Items identified after preparation of the agenda for which there is a need to take immediate action. Two-thirds vote required for consideration. (Gov. Code § 54954.2(b)(2))

None.

D. POTENTIAL CONFLICTS OF INTEREST

Any Board member who has a potential conflict of interest may identify the item and recuse themselves from discussion and voting on the matter. (FPPC §97105) conflicts of interest.

Mr. Crow advised that the California Department of Fish and Wildlife representative, Mr. Hatler, should recuse himself from confidential Agenda Item H-1. Mr. Hatler confirmed he will not participate in the closed session.

E. CONSENT CALENDAR

E-1 Approve Minutes of May 2, 2018

It was moved by Mr. Oliver and seconded by Mr. Gibson to approve the minutes of May 2, 2018, as presented. The members unanimously passed the motion as follows:

ROLL CALL VOTE:

Name	Yes	No	Abstain
Mr. Frazier	X		
Mr. Oliver	X		
Mr. Janzen	X		
Mr. Hatler	X		
Mr. Gresham	X		
Mr. Donnelly	X		
Ms. Alvis	X		
Ms. Lucchesi	X		
Ms. Forhan	X		
Mr. Gibson	X		

F. DISCUSSION ITEMS

F-1 Mid-Year Status Report on Progress toward meeting River West Fresno, Eaton Trail Extension and North Palm Access Benchmarks

Staff Recommendation: This report is for informational purposes. No Board action is recommended. Board members should provide feedback regarding the progress and their expectations to the participating parties.

Ms. Marks noted that this item is presenting the half-way point in the year provided by the Board to achieve benchmarks in implementing the River West Trail Extension Project and North Palm Access. In December 2017, the Board adopted Resolution 17-02 on the condition that specific benchmarks must be accomplished within a 1-year period: 1. The property would be purchased by the San Joaquin River Access Coalition (SJRAAC); 2. A public access easement would be recorded by the Conservancy or another entity for the project; 3. The landfill post-closure land use plan would be approved; 4. City exceptions to the tree removal and bluff protection ordinances would be secured; and 5. The restrictions and issues associated with the Spano easement would be resolved. Ms. Marks noted the resolution also included exploring State acquisition of the property.

Ms. Marks noted that as explained in the staff report, it is not possible to get final approval of the post closure land use plan and ordinance exemptions until we have final construction plans, which are not yet funded or in progress. All parties involved are making good progress, with diligence and in good faith. Preliminary approvals of the post closure plan and ordinance exemptions will be secured by December 31, 2018, which will assure that the project is feasible. Those approvals will set the parameters for what would need to be incorporated later in final design documents.

Ms. Marks continued, the Board had directed that the core project elements be implemented as soon as possible. There is no operations and maintenance commitment to implement the core project elements—a significant constraint for construction. Staff, with input from the City of Fresno and the River Parkway Trust, put together a ballpark estimate for operations and maintenance costs ranging between \$250,000 to \$450,000 per year, including two on-site staff at all times—a high staffing level, compared for instance to Friant Cove. Staffing is a large portion of the cost estimate, and would vary depending on the operating agency's hiring practices (i.e., pay level, benefits, concessions, etc.). There would be an option to collect user fee revenues. The user fee revenue estimate of about \$50,000 in revenue per year is based on Friant Cove and Sycamore Island visitation.

Ms. Marks noted that the City of Fresno and County of Fresno both have Measure C funds available to operate trails for the first five years. There is also a proposed local sales tax measure for parks. Once operations and maintenance are secured then the Conservancy can proceed with permitting, design, and construction.

On inquiry from Mr. Oliver, Ms. Marks reported that Measure C funds are allocated by the transportation authority to the City and County, so those agencies would determine whether to use Measure C funds for this project. There is also an allocation for the Parkway in the proposed parks sales tax; if that measure passed it could kick start operation budget discussions with the agencies. Measure C funds could pay \$25,000 per year (\$10,000 per mile) for five years.

On inquiry from Mr. Frazier, Ms. Marks explained that the projected fee of \$5 per vehicle would be similar to Woodward Park, used as an example. The Board could set the fee. Collecting fees has a cost in itself.

There was discussion among the Board regarding the estimated cost, staffing, and costs associated with collecting user fees. Staff noted that the estimate was not very refined—in order to refine it, you would need specifics from the entity that planned to operate the site.

Mr. Gibson commented that the site could operate at much less cost, if it was a part-time operation like Sycamore Island. Sycamore Island is more isolated, and it might not be possible to operate River West part-time, but the Board could consider that.

On inquiry from Mr. Gibson, Ms. Marks confirmed that the estimate in the staff report is just for the costs of operating the Perrin staging area and trail, referred to as the core project elements.

Ms. Marks continued regarding the North Palm Access benchmarks, critical for this year. The first benchmark for the North Palm Access is for the SJRAC to close escrow. The SJRAC is planning on closing escrow in September. They are focusing on the post closure land use plan so that they understand their obligations as landowners, and on negotiating revisions to the Spano easement, included in the purchase option agreement, to ensure that the Board-approved project is approved by the grantee, Mr. Spano. They have secured a consultant for the post closure plan, and secured input from the County of Fresno and Regional Water Quality Control Board. The constraints and requirements are understood, and no more site assessments are required—all required data is available. The consultant is completing the preliminary post closure plan for preliminary approval by September. Preliminary approval should be adequate to demonstrate the project is feasible. Grading, fill, irrigation, structures, etc. will be included. Final approval cannot be secured until final construction plans are in-hand. Funding authorization and work on final plans would proceed in a later phase, once operations and maintenance is assured.

Mr. Donnelly suggested that the Conservancy might be able to accelerate engineered plans for this project, even if operations and maintenance are not yet secured.

Ms. Marks agreed that her discussion reflected past practice, but that we might be missing out on opportunities because we don't have shelf-ready construction plans. The Wildlife Conservation Board and Department of Finance could provide guidance as to how the Conservancy could authorize construction engineering in advance for the entire project. We would need to determine who to grant the funds to: The Conservancy does not have the staff to bid and manage large engineering design projects, and we don't have authority to construct large scale projects. Ideally we need a partner, or we can work with the Department of General Services. There are

possibilities to accelerate the project—although there are still many steps that take a lot of time for budgeting, funding, permits, bidding, contracting, etc.

Mr. Donnelly emphasized that we should begin looking into opportunities to get the construction plans done as soon as possible.

Ms. Forhan expressed her agreement. We need to look at what can be done concurrently. It is imperative that we can press on, and determine next steps.

Ms. Marks stated that construction grants require an operation and maintenance commitment for 30 years, but that other phases might be able to proceed to get projects shelf ready.

Mr. Frazier mentioned that many tasks must occur in a sequence.

Mr. Oliver suggested that the two projects—e.g., the River West and North Palm Access projects—could be worked on separately, but simultaneously.

Mr. Janzen concurred about getting started with construction plans. It's important for the new Executive Officer to provide expertise to lead these projects.

Mr. Gibson asked if the bond funds could be used for design-build-manage projects. Mr. Donnelly responded the State bond funds can be used to manage construction; however, the burden remains on staff to write agreements, approve invoices, manage budget changes, etc. Mr. Gibson asked about whether a consultant could be hired to manage the workload.

Ms. Marks explained that when a State agency builds a project on State land, that design-build-manage consultant is the State Department of General Services (DGS). Construction of major capital projects cannot be performed by the Conservancy, and must be performed DGS. The Conservancy has the delegated authority to construct small projects, but not something of this scale.

Mr. Hatler added working with DGS would mean commitment to their timeline, which could be longer than the Board expects.

Ms. Marks mentioned that ideally if the City of Fresno would be willing to do the engineering contract, even if they do not commit to 100% operations and maintenance, that could achieve a “shovel-ready” project.

Mr. Frazier suggested that the River West Project could be implemented in separate phases, to show forward motion and accomplish real changes.

Ms. Marks continued, there has been no indication the North Palm Access is infeasible or post closure land use plan cannot be approved. In implementation meetings, there has been good feedback from the County of Fresno Health Department and the Regional Board. Further, Mr. Scott Mozier, Director, City of Fresno Public Works, has been participating in the work-group meetings and he believes the exceptions and variances for the ordinances are approvable on a preliminary basis.

Mr. Donnelly asked whether the post-closure plan will allow trees, shade structures, and the other elements approved by the Board. Ms. Marks reported the plan will allow shade structures. For most post closure plans enclosed buildings are of concern because of the potential generation of

methane from typical closed landfills. Open structures, such as a kiosk and picnic shelters, are not an issue. There is no indication in the data that the site generates methane. The vault restroom would need to be built away from the landfill site, out of the 100-year floodplain, in any case. The Regional Water Quality Control Board and County Health Department are open to considering irrigation and shade trees.

Mr. Marks continued to report that both the Bluff Protection Overlay District and the Tree Removal ordinance exemptions need to be approved by the City of Fresno. There may be an arborist report required as indicated in a letter from Ms. Sharon Weaver. City of Fresno staff would submit applications to the City Council for preliminary approval of exceptions; later, we would need to submit the final construction drawings in order to get final approval of the exceptions. The Conservancy does not expect the final construction drawings to be completed by December 2018.

Ms. Marks mentioned issues associated with the Spano easement. The original easement presented to the Board in December granted Mr. Spano control of future development plans on the property. The SJRAC has been working to get Mr. Spano's advanced approval of everything we want to do at the site, so that the SJRAC can close escrow, and the Conservancy and/or its partners can build and operate the project and future trail connections without Mr. Spano's control or potential future rejection. The last version of the easement staff reviewed would not only provide approval of the Board-approved project, but also approve foreseeable future projects under the Parkway Master Plan. The SJRAC is recommended to submit a revised easement to the Board for consideration at the next meeting.

Mr. Frazier stated the Board would be concerned about the potential for giving land use control to a neighboring developer, as was granted in the earlier version of the easement.

Mr. John Kinsey, attorney representing the SJRAC, reported that the SJRAC is still in the middle of negotiations. A revised easement was presented to Mr. Spano and reviewed by City of Fresno and Conservancy staff. The revised easement would affirm Mr. Spano's approval of the project as planned. It is their intent that the agencies would not need Mr. Spano's approval for the approved project after escrow closes on the option. The SJRAC is very happy about the progress. They appreciate the assistance provided by the agencies to help direct their consultant on the post closure plan. Mr. Kinsey thanked the Board for their discussion.

On request by Mr. Oliver to elaborate, Mr. Kinsey stated the agency would not need Mr. Spano's approval once escrow is closed because the project plans and operations would be acknowledged, presented, and approved in the revised easement.

On inquiry by Mr. Frazier about possible changes in the future, such as changes in the operating hours, Mr. Kinsey reported that the SJRAC is trying to provide some flexibility. Mr. Spano did request that the number of parking spaces be limited to what is in the approved Environmental Impact Report (EIR). With that exception, they are trying to allow adequate flexibility. Mr. Frazier noted that any increase in parking would require further environmental review.

On inquiry by Mr. Hatler regarding availability of the easement document to the Board, Ms. Marks stated the easement document will be provided to the Board as soon as it is available.

Mr. Gibson asked Mr. Donnelly what steps are necessary to have design plans for the core project and the North Palm Access—a budget for funding, timing—assuming the City would be the project manager.

Mr. Donnelly stated that the sooner the easement restrictions granted to Mr. Spano are known, the better. If the easement does not allow for building the planned project, we need to know that. If the easement is not acceptable, the project cannot move forward. The Wildlife Conservation Board staff should see the easement sooner rather than later, before negotiations are finalized. He requested the agency to be part of the conversation.

Mr. Kinsey committed to provide a copy of the redrafted easement in advance to Wildlife Conservation Board staff.

Ms. Marks added a key thing needed from the SJRAC is assurance that they will have acquired enough property rights so the SJRAC can grant a permanent public access easement to the State. We need permanence prior to investing in public access in the North Palm Access project.

Mr. Gibson asked if the revised easement would be presented at the August 1st meeting.

Mr. Kinsey offered to send the most recent revised version to Wildlife Conservation Board and Conservancy staff as soon as they get it back from Mr. Spano.

Ms. Marks summarized the easement as she has seen it to date: it basically conforms to approval of the project as the Board has approved it, and it also approves future projects to connect off-site to existing easements and trails to Palm Bluffs, as shown in the Parkway Master Plan. It includes things like operating hours and lighting mitigation as approved by the Board and in conformance to local ordinances.

Ms. Lucchesi expressed concern about the time it will take to meet benchmarks and proceed with the project.

Ms. Marks explained that at the time of the Board's approval of the project, there would not have been enough time for final construction plans to be developed for final approval of some of these benchmarks. The Board's discussion at the time was focused on creating benchmarks in order to determine if in fact the project is feasible. Staff believes preliminary approval is important, and if secured, will confirm that the project is feasible.

Ms. Lucchesi acknowledged the constraints of achieving final construction and engineering in the timeframe set by the Board, and the need for preliminary approval of the ordinance exceptions and post closure plan. She was most concerned about the uncertainty associated with the language in the easement and the time it might take to resolve any issues.

Ms. Marks agreed, noting that staff was bringing these issues to the Board now and in the next months, rather than waiting to December, to ensure any problems can be identified and resolved.

Mr. Donnelly expressed his preference that the SJRAC and Spano would open this as a three-way negotiation with State representatives involved. Ms. Marks took responsibility for not including WCB staff in the first review of the revised easement; Conservancy and City staff were specifically asked by SJRAC to comment at that time.

Mr. Gresham expressed concern regarding the limited number of parking spots allowed in the easement. Later on, the project operator might need more parking. The parking facilities are where user fees can be collected; larger lots generate more revenue.

Ms. Marks reported that after the SJRAC acquires the property, the Conservancy and Wildlife Conservation Board staff would negotiate a permanent access easement. WCB staff is developing an outline of the terms and conditions of such as easement. Also, the Board can best evaluate whether it would be worthwhile to negotiate to acquire fee title after the easement and post closure plan are available. The fee title or easement acquisition process can take a year.

Mr. Gibson noted we can negotiate fee title or a public access easement. He encouraged WCB staff to consider either.

Public Comments:

Mr. Tom Bohigian, a resident of Fresno, congratulated Mr. Frazier for his reelection as the Supervisor for District 1 for Madera County. He was disappointed in the timelines presented in the staff report. He has provided trash cans on the property, and people are using them. The public is already using the property currently to ride bikes, hike, etc. and wants to see the River West project move forward. He thinks the Board should move forward with access using the existing trails, which would cost very little, until the permanent solution is worked out. Two full time staff at the site are not needed. The restoration projects are growing well. We should start allowing use of what is there now in the meantime.

Ms. Sharon Weaver, Executive Director, San Joaquin River Parkway and Conservation Trust, expressed concern regarding the North Palm Access process. The key issue with the post closure land use plan is who will be responsible long term for meeting the closure requirements. The second issue is the access road: there is no clarity on who would ultimately be responsible for building it and for the permits. The work group has been focused on the landfill and not on the access road.

Board Comments:

Mr. Janzen requested staff to provide a guideline for how to move forward with getting the engineering plans complete without waiting to have operations and maintenance agreements in place. Mr. Gibson expressed his agreement.

Mr. Donnelly noted that he and his staff have been concerned about the access road as well. Mr. Donnelly introduced Heidi West and Daniel Vasquez of Wildlife Conservation Board staff.

Ms. Marks reported the next meeting of the work group is next week via phone conference.

No action was taken by the Board.

F-2 Status Report for Informational Purposes on Assembly Bill 3218, Authored by Assembly-member Dr. Joaquin Arambula

Staff Recommendation: This item is presented for informational purposes only. No Board action is recommended.

Ms. Marks noted Assembly Bill 3218 has been amended and passed by Assembly committees. The bill authorizes State Parks to enter into management agreements with the Conservancy. It is consistent with existing laws and authorities, does not include appropriations, and was revised to delete a requirement for specific priorities. The bill does not include any funds to enter into operations agreements.

Ms. Anna Garcia, Chief of Staff for Assemblymember Arambula, provided an update of the status for Assembly Bill 3218 and stated it passed with a 64-0 vote. Ms. Garcia thanked the Board for their participation and stated Assemblymember Arambula understands the ongoing issue with operations and maintenance. He is committed to trying to find a partner to resolve the issue.

The Board thanked Ms. Garcia and Assemblymember Arambula's office for their commitment and leadership.

On inquiry by Mr. Gibson regarding the Conservancy funds and revenue sources for State Parks to operate Friant Cove and Lost Lake, Ms. Marks described interagency agreements with State Parks and the SJRC fund revenue generated by the Vulcan Materials lease. A proposal to expand State Parks operations to Lost Lake Park and other parts of the Parkway would require much more funding.

On inquiry by Mr. Gibson regarding day use fees, Mr. Gresham stated the fee at Millerton Lake is \$10 per vehicle. Ms. Marks added the fee at Sycamore Island is \$9 per vehicle.

No action was taken by the Board.

G. ADMINISTRATIVE AND COMMITTEE REPORTS

G-1 Organizations

If time allows, the following oral reports will be provided for informational purposes only, and may be accompanied by written reports in the Board packet. No action of the Board is recommended.

G-1a San Joaquin River Parkway and Conservation Trust

Ms. Weaver reported the River Parkway Trust is in the process of reconstructing the barn.

G-1b RiverTree Volunteers

Mr. Sloan reported the organization has been working with the homeless to pick up trash. They are beginning to implement a program to provide free trips to children in foster care.

G-2 Deputy Attorney General

None.

G-3 Executive Officer

Ms. Marks reported Proposition 68, the Parks, Environment and Water Bond, has passed and would allocate \$6 million in bond funds to continue the San Joaquin River Parkway development. The bond act has a target to serve disadvantaged and severely disadvantaged communities, which are served by the Conservancy's programs. The funds may not be used for operations and maintenance. Board member Julie Alvis with the California Natural Resources Agency will be administering the agency's Proposition 68 bond funds.

G-4 Board Members' Reports

Ms. Alvis provided further information on Proposition 68, stating the timing of the bond act is close to the state budget start date July 1, 2018. The administration and the Legislature have been working on how much of the bond would be appropriated for Fiscal Year 18/19.

H. EXECUTIVE SESSION

Mr. Halter recused himself from closed session due to the conflict of interest.

Public Comments: Before convening in closed session, members of the public will be provided the opportunity to comment on Executive Session agenda items.

There were no public comments.

H-1 CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9:
1 potential case

Mr. Crow reported out of close session that the Board provided direction to staff with regard to the potential litigation with the lease, Bluff Point Golf Center.

I. NOTICE OF BOARD, ADVISORY, AND PUBLIC MEETINGS

None.

J. NEXT BOARD MEETING DATE


The next Board meeting was scheduled August 1, 2018, and subsequently cancelled.
Please note the earlier starting time of 10:00 a.m. for meetings in February through October.

K. ADJOURN

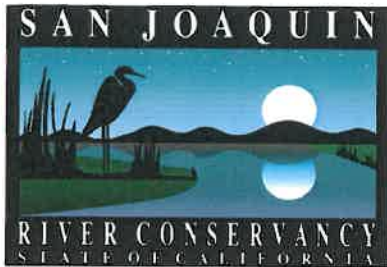
Mr. Frazier adjourned the meeting at approximately 12:07 p.m.

Board meeting notices, agendas, and approved minutes are posted on the Conservancy's website, www.sjrc.ca.gov. For further information or if you need reasonable accommodation due to a disability, please contact Jasanjit Bains at (559) 253-7324 or Jasanjit.Bains@sjrc.ca.gov.

Respectfully Submitted,



Melinda S. Marks, Executive Officer




SAN JOAQUIN RIVER CONSERVANCY

Agenda Item

Item E-2

September 5, 2018

TO: San Joaquin River Conservancy
Governing Board

FROM: Melinda S. Marks, Executive Officer 

SUBJECT: **Report on Contribution of Conservancy Habitat Restoration Investments
toward North American Wetlands Conservation Act Grant Proposal Match**

RECOMMENDATION:

This report is for informational purposes. No Board action is recommended.

SUMMARY:

Ducks Unlimited has been successful in securing federal grant funds from the North American Wetlands Conservation Act (NAWCA) program for many significant projects throughout California. Regional investments in conservation lands, such as those acquired by the Conservancy, are used to demonstrate the partners' matching contribution toward the funds requested in the grant. Eligible conservation lands can be used for public access compatible with long-term habitat conservation, consistent with the Conservancy's mission.

The Wildlife Conservation Board (WCB) commonly participates in NAWCA matching commitments to help bring federal grant funds to California. WCB staff brought this opportunity to the Conservancy's attention.

Matching funds must be spent or obligated within two years prior to the grant application. In 2016 and 2017, the Conservancy acquired the Circle V Ranch and funded riparian restoration efforts at Sycamore Island, River West, and Jenco Farms. Approximately \$934,726.00 of State funds used for the purchase and restoration projects would contribute toward the grant program's regional match requirements. Please see the attached match letter.

Through this collaboration, Ducks Unlimited would work with the Conservancy to develop a cooperative wetland and/or riparian habitat restoration project on Conservancy lands. The restoration project would be at the discretion and direction of the Conservancy and could take place on any Conservancy lands.

Participating in the NAWCA program adds value to the public's existing investment in conservation lands and is consistent with the Conservancy's mission and objectives.


Rebecca Raus
Associate Governmental Program Analyst

Attachment



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250.20, 300.21931, 400.55, 401.56, 500.2785

June 21, 2018

**NORTH AMERICAN WETLANDS CONSERVATION
ACT PROPOSAL PARTNER CONTRIBUTION
STATEMENT**

What is the title of the proposal that you are contributing to? San Joaquin and Kern Rivers Watersheds I (SJKRWI)

What is the name of your organization (private landowners indicate "Private")? San Joaquin River Conservancy (SJRC)

When will you make the contribution? SJRC made the contribution in 2016 and 2017.

What is the value of your contribution and how did you determine the value? Does the contribution have a non-Federal origin? If this is based on a fund-raising event or other future action, if that future action fails, will you still provide the contribution amount? We contributed a total of **\$934,725** of non-federal dollars in 2016 and 2017 to acquire the Circle V Ranch, assist riparian restoration efforts at Sycamore Island Ranch and River West properties, and assist with riparian restoration efforts at Jenco Farms tract of Jensen River Ranch. These funds are non-federal in nature and should be considered match for this proposal.

- **\$457,250** was used in 2016 to acquire 19 of the 21-acre Circle V Ranch. This upland and floodplain habitat lies within the San Joaquin River Parkway and is contiguous to the San Joaquin River and California Department of Fish and Wildlife's San Joaquin River Ecological Reserve – Rank Island Unit. We are only leveraging the dollars and acres associated with the habitat features of the acquisition and are excluding the acres and dollars associated with the homes on the ranch.
- **\$205,675** was awarded to San Joaquin River Parkway and Conservation Trust, Inc. (SJRPCT) in 2017 to restore 4 of 5 total acres of riparian habitat along the San Joaquin River on Sycamore Island Ranch and River West. We are only leveraging the dollars and acres associated with the habitat restoration.
- **\$271,800** was awarded to SJRPCT in 2017 to restore 20 acres of riparian habitat along the San Joaquin River on the Jenco Farms section of Jensen River Ranch.

NORTH AMERICAN WETLANDS CONSERVATION ACT PROPOSAL PARTNER CONTRIBUTION STATEMENT

June 21, 2018

Page 2

What long-term migratory bird and wetlands conservation work will the contribution cover? These acquisitions and enhancements of riparian and floodplain habitats will provide important habitat for waterfowl, passerines, wading birds, salmonids, and other wildlife.

Does the proposal correctly describe your contribution, especially the amount? Yes.

If applicable to the proposal, is your organization competent to hold title to, and manage, land acquired with grant funds and are you willing to apply a Notice of Grant Agreement or other recordable document to the property? No NAWCA funds were used to acquire any properties. For Circle V Ranch, a transfer of jurisdiction to the San Joaquin River Conservancy was performed. The San Joaquin River Conservancy owns the Sycamore Island Ranch and River West properties where the Sycamore Island Habitat Project and Jenco Farms Property Habitat Project are ongoing. SJRC is willing to apply a Notice of Grant Agreement.

Please confirm that your contribution has not been used to meet any other federal programs match or cost share requirements. Our contribution has not been used to meet any federal grant programs.

Do you have any additional comments? We are pleased to be a 10% partner in the planning and implementation of the San Joaquin and Kern Rivers Watersheds I (SJKRWI) NAWCA proposal and this contribution is put forth with our full knowledge and support to leverage other non-federal and federal grant dollars. I would like to thank the Council members for past support and assistance. We strongly support the work in this proposal which will provide lasting habitat along the San Joaquin and Kern Rivers. The people of California will all benefit from this effort.

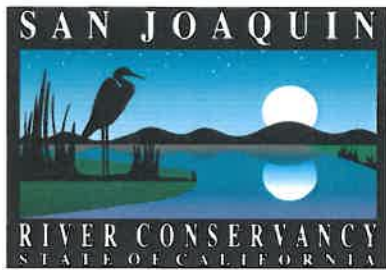
Signature: _____



Melinda S. Marks, Executive Officer
San Joaquin River Conservancy

Date Signed: _____

6-26-18



SAN JOAQUIN RIVER CONSERVANCY

Agenda Item

Item E-3

September 5, 2018

TO: San Joaquin River Conservancy
Governing Board

FROM: Melinda S. Marks, Executive Officer

SUBJECT: **Authorize Cooperation with the County of Madera in a River Parkways Grant Application Concept Proposal, Madera County River Access Development Project**

RECOMMENDATION:

It is recommended the Board authorize the Conservancy to cooperate in submitting a concept proposal for a River Parkways Grant for the planning, public participation, and design for the development of future public access on the Madera County river access site (Cobb Ranch Road, north of Panoche Creek Ranch; map follows).

SUMMARY:

Concept proposals for River Parkways Grants administered by the California Natural Resources Agency are being accepted through September 27, 2018. Upon evaluation, the proposals meeting eligibility criteria and with the most potential will be requested to submit detailed grant applications.

The County of Madera has offered to prepare and submit a grant concept proposal for the 11-acre Madera County river access site, currently being acquired by the Conservancy from the County for Parkway purposes. The County would be the grant recipient and the future operations and maintenance of the access project would, in concept, be funded and/or performed by the County.

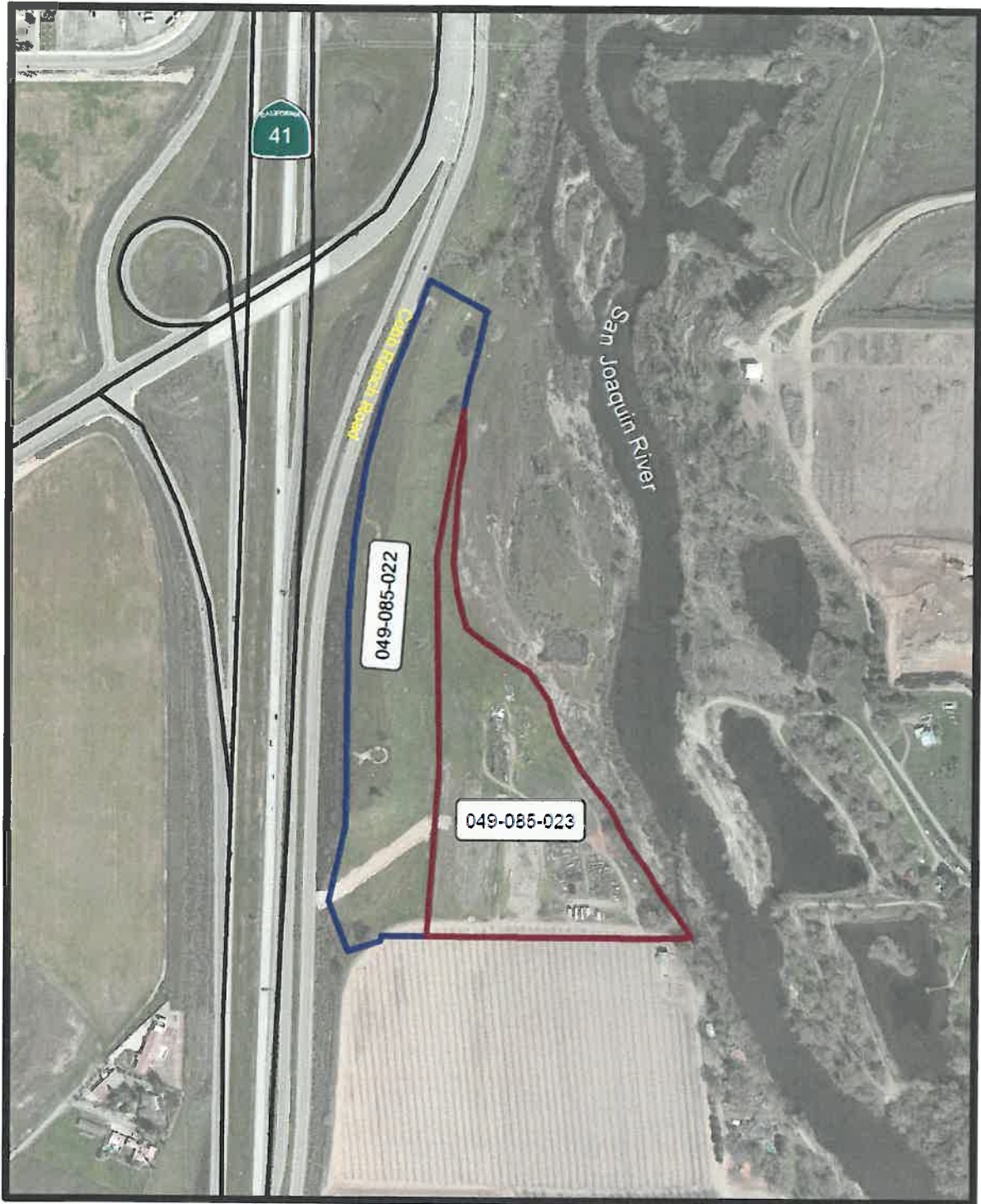
The project would include an improved access road from Cobb Ranch Road, a parking/staging area, improved river access through invasive species removal, hand carried boat launch/take-out, native shade trees and small shade/picnic shelters. If the County is successful in acquiring the adjacent property lying above the bluff, that area would include features welcoming State Route 41 travelers to Madera County.

The grant request would include services to secure early public input in project design, as well as California Environmental Quality Act review and preliminary design.



The proposed project is consistent with the objectives of the River Parkways Grant Program by providing:

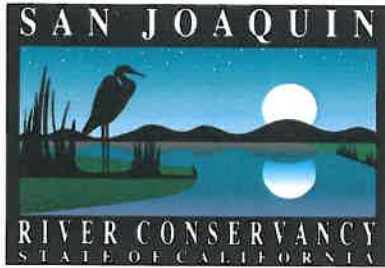
- Recreation - Provide compatible recreational opportunities, including trails for strolling, hiking, bicycling and equestrian uses along rivers and streams. This would be the main component of the proposed project.
- Habitat - Protect, improve, or restore riverine or riparian habitat, including benefits to wildlife habitat and water quality. The proposed project would also include establishing native plants, restore some floodplain trees for shade and habitat, and remove invasive species on the riverbank.

The property has been cleared of personal property and debris. A Phase I site assessment is being secured, so that the Conservancy can complete the acquisition as authorized by the Board and the Wildlife Conservation Board.



Legend

-  County of Madera
-  Sanoian Family Partnership



SAN JOAQUIN RIVER CONSERVANCY

Agenda Item

Item E-4

September 5, 2018

TO: San Joaquin River Conservancy
Governing Board

FROM: Melinda S. Marks, Executive Officer

SUBJECT: **Authorize Temporary, Interim Delegation of Authority for Executive and Administrative Actions**

RECOMMENDATION:

It is recommended during the vacancy of the Executive Officer position the Board authorize: 1) the Board Chairperson and the former Executive Officer serving as a Special Consultant to execute any and all of the duties and authorities delegated to the Executive Officer in Resolution 09-04 (attached); and 2) the Associate Government Programs Analyst to secure service agreements in amounts less than \$5,000, approve vendor and contractor invoices, authorize payments, and submit standard budget, bond fund cash flow projections, and fiscal reports as necessary to maintain essential day-to-day operations, provide for security and public safety at Conservancy properties, and perform essential business and governmental functions.

SUMMARY:

Resolution 09-04 delegates to the Executive Officer the authority to exercise all duties necessary to administer the day-to-day operations of the Conservancy, to take actions on behalf of the Board to manage and conduct the business of the Conservancy, and to carry out the directives of the Board. The Executive Officer routinely manages the office and Conservancy properties; the budget, procurement, and fiscal matters; contracts and agreements; personnel; executes permits and transactions; and prepares for and manages Board meetings. All duties are carried out in accordance with laws, regulations, and State policies and procedures.

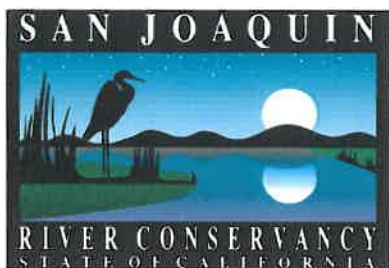
The current Executive Officer will retire effective September 10, 2018. Recruitment to fill the position began August 9. A request to CalHR to approve the Executive Officer to serve as a part-time Special Consultant/Retired Annuitant is pending. The recommended authorization would expire at the time the Executive Officer position is filled.

It is necessary and prudent for the Board to authorize the Special Consultant to carry out executive duties in the interim, when such duties cannot or should not be delayed. Further, through this action the Board would authorize the Board Chairperson to sign for the Conservancy on various documents necessary to implement Board directives and Conservancy business.

The recommended action would also provide for routine fiscal, administrative, and business services to be carried out by the Conservancy's Associate Government Programs Analyst. The analyst would be able to approve service agreements less than \$5,000 and payments to

vendors and to those under contract—this would include several utility account payments, service agreements for repairs and maintenance at Conservancy properties, payments for office space and office costs to the Fresno Metropolitan Flood Control District, and procurement card purchases for office supplies, express mail, locks and signs, etc. Through a contract with the Conservancy, the State Department of Parks and Recreation provides all accounting, budgeting, procurement, contract processing, and fiscal services. State Parks' support staff and standard processes and procedures provide more than adequate checks and balances to ensure everything would be carried out appropriately, under the guidance of the Special Consultant and/or legal counsel as necessary, but without delay at times when no executive personnel are available to sign service agreements, invoices, payment requests, etc.

Attachment



SAN JOAQUIN RIVER CONSERVANCY

Agenda Item

Item E-5

September 5, 2018

TO: San Joaquin River Conservancy
Governing Board

FROM: Melinda S. Marks, Executive Officer

SUBJECT: **Report for Informational Purposes Regarding the Potential to Proceed with Engineered Designs and Construction Plans to Create "Shovel Ready" Projects**

RECOMMENDATION:

This report is for informational purposes. No Board action is recommended.

SUMMARY:

At the June 6 meeting, the Board expressed an interest in investing in engineered construction plans for approved projects, in parallel with efforts to develop operations and maintenance resources for the projects. It is intended that once operations and maintenance resources are secured for each project, the project would be "shovel-ready." The sequence and processes of project planning, permitting, design, and construction are presented in the Discussion section for Board reference.

DISCUSSION:

The following specific projects have been approved by the Board pursuant to the California Environmental Quality Act (CEQA):

- River Vista Public Access and Derelict Bridge Demolition Project (Madera County)
- River West Fresno, Eaton Trail Extension and North Palm Access (Fresno County)

A number of additional projects, such as the projects identified in the River West Madera Master Plan, the trails and parking identified in the Ball Ranch Master Development Plan, the River Center to Ledger Island hiking trail plan, and public access improvements at the Jenco property, could be approved in a streamlined manner by tiering from the newly adopted San Joaquin River Parkway Master Plan.¹

Only after a project is approved in accordance with CEQA, may the Conservancy proceed with the next steps: 1) preparing engineered working drawings and bid specifications; 2) regulatory

¹ In addition to the pending projects noted above, the City of Fresno approved the Riverbottom Park Project, completed construction drawings and specifications through a grant from the Conservancy and Wildlife Conservation Board, and mitigated for endangered species at the site. However, the project was put aside in 2008-2009, when the City decided it could not commit to operate and maintain the facility.

permitting; and 3) construction. Each separate project phase requires time to develop a scope of work, budget, and agreement; secure authorizations from the Conservancy Board and Wildlife Conservation Board (WCB) (usually four to six months); and bid and award contracts.

Regulatory permits and approvals include but are not limited to streambed alteration agreements for projects within the river's floodplains, encroachment permits for projects within the state-designated floodway, permits to discharge fill to jurisdictional waters and wetlands, water quality permits, and leases from the State Lands Commission for improvements on state sovereign lands. Endangered species must be addressed, and in some cases require prolonged survey protocols.

In instances where future construction is assured, the work necessary to secure permits may occur under the same funding authorization, agreement, and phase of work as preparing engineered working drawings and specifications. However, in absence of a known start date for construction, it could be impractical, risky, and inefficient to invest in securing permits and approvals too far in advance. Permits are very specific, are often for a limited term, and apply to the present conditions. If the beginning date of construction is uncertain, the term of a permit may expire prior to construction, some of the specific construction details—such dates of in-water work—would be unknown, and environmental conditions could change. Whether to include regulatory permits in the design phase to prepare in advance “shovel-ready” projects could be determined on a project-specific basis. After the regulatory work is initiated, the Conservancy should plan for permitting to take as much as nine months, maybe longer. California Tiger Salamander surveys can take two years (two qualified rain seasons).

Construction bid documents must include the final permits, leases, rights-of-way, etc. At the time bond funds are authorized for construction, there must be a commitment from the entity receiving the funds to operate and maintain the constructed improvements for 30 years. Once operations and maintenance resources are assured, the construction phase may be initiated.

The Conservancy does not have the delegation of authority necessary to construct major capital projects. Although the Conservancy may contract for engineering consulting services, in general those agencies that do have construction authority for major capital projects, such as Caltrans and the California Department of Water Resources (DWR), may only construct projects they have designed themselves.

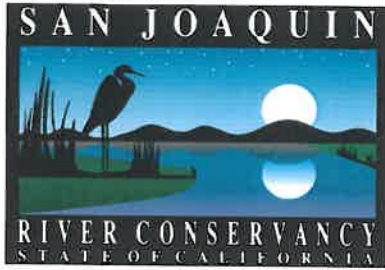
In summary, the following mechanisms are available for engineered design and construction projects for the Parkway:

- Local Assistance Grants—The Conservancy may award funds and, along with the WCB, enter into grant agreements with local agencies and nongovernmental organizations to design and construct projects, including projects on State-owned land under the Conservancy's jurisdiction.
- State Agency Grants—As has been successful for several Parkway projects, the Conservancy can contract with DWR for the design and construction of projects on the river within DWR's authorities, in the form of grants awarded by the Conservancy and WCB.
- “Grants” of Bond Funds to the Conservancy--The Conservancy itself could receive authorized funds (in the form of a grant from WCB to the Conservancy), bid and contract for engineering consulting services, and oversee a design project; however, it could not move forward to bid and contract for construction unless the project is within the limits of

a minor capital project. Examples of minor projects might include a stand-alone vault toilet restroom, shade structure, or water well. Any engineered plans for major capital projects developed by Conservancy consultants would need to meet State Department of General Services (DGS) requirements, so that the construction could later be administered by DGS.

- Transfers to DGS—Other than Local Assistance Grant projects, DWR (or Caltrans) projects, and minor capital projects, construction projects on state lands must be performed by DGS. Funds would be awarded (granted) to the Conservancy for the project, and transferred to DGS for its use to contract for services. These projects would be subject to approval of the Public Works Board.

These options and requirements need to be carefully planned prior to proceeding with any proposed project, so that proper processes are conformed to and funds are allocated efficiently.




SAN JOAQUIN RIVER CONSERVANCY

Agenda Item

Item: F-1

September 5, 2018

TO: San Joaquin River Conservancy Board

FROM: Melinda S. Marks, Executive Officer 

SUBJECT: **Review and Make Determinations Regarding a Revised Easement Associated with the San Joaquin Access Corporation's Option Agreement, River West Fresno, Eaton Trail Extension and North Palm Access Benchmark**

RECOMMEDATION:

It is recommended the Board determine that, unlike the previous version of the easement presented to the Board December 13, 2017, the revised easement (attached) provides advance approval of the improvements, uses, and operations consistent with the Conservancy's approved North Palm Access project and Environmental Impact Report, and of the foreseeable future trail connections within the Parkway Master Plan. Based on this determination, the Board should direct staff to continue to implement tasks to meet benchmarks, including—after the San Joaquin River Access Corporation (SJrac) has taken ownership of the parcel—negotiating a permanent public access easement as necessary to invest public funds in project development on the parcel.

The Board may further determine at this point that possible future State acquisition of the property would not likely be approved by State control agencies due in part to the restrictions on the property rights imposed by the easement. In that case, the Board should direct that further investigations and negotiations to acquire the property in fee title from the SJrac be discontinued; the SJrac would bear responsibility for all obligations under the easement.

SUMMARY:

In approving the River West Fresno, Eaton Trail Extension Project, the Board required reasonable progress toward implementing the North Palm Access. Per the Resolution, "reasonable progress is defined as specific benchmarks to be accomplished by the Conservancy and others" by December 31, 2018. The benchmarks pertinent to the recommended action are:

- Approximately 11 acres of privately owned property (the Spano property), shall be acquired by the SJrac.
- The issues associated with the proposed Spano easement attached to the SJrac's land purchase option agreement must be resolved to the Conservancy Board's satisfaction; and

- An access easement for public use shall be secured in favor of a willing public agency and recorded for the Spano property; alternatively, the Conservancy will investigate acquiring fee title ownership of the Spano Property.

The easement initially negotiated between the SJRAC and Mr. Stan Spano granted to Mr. Spano a great deal of control over the future use of the property. Mr. Spano maintains that the easement is necessary to protect his developable property above the bluff from any incompatible features, uses, or operations on the 11-acre property below. The initial easement was provided to the Board at its meeting December 13, 2017.

The SJRAC has renegotiated the easement, incorporating within the easement Mr. Spano's advance written approval of the development, public use, and operation of the parking area (40 spaces), access road, trail, and ancillary features of the Conservancy's approved North Palm Access, and allowing the future development and use of the City's and the State Lands Commission's public access easements leading to the property consistent with the Parkway Master Plan. The easement allows for future changes on approval of the grantee in its reasonable discretion.

An initial revised draft of the easement was provided to Conservancy and City of Fresno staff. The Conservancy and City staff's requested changes were incorporated into the revised easement. Upon receipt of the subsequent draft, Wildlife Conservation Board staff requested additional changes. In response, the SJRAC again revised the agreement to address concerns: it was made clear Exhibit 3 is a conceptual site plan, it provides appropriate references to definitions in applicable laws and City ordinances relative to the design and operation of the project, and it extends the timeframe for the opportunity to cure clause, among other clarifying revisions.

It is recommended the Board direct staff to continue to implement tasks to meet the remaining benchmarks. Conservancy staff believes the revised easement allows and does not unreasonably restrict the development and operation of the approved project. The project features, requirements, and references to compliance with laws, regulations, and ordinances in the revised easement are consistent with the approved project, the Parkway Master Plan, the obligations of the agencies in any case, and commitments made in the EIR. It is acknowledged that the revised easement would make securing Mr. Spano's approval of future unforeseen project proposals, such as expansion of the parking area at this location, uncertain. The easement includes obligations to cure default of the easement within 90 days of written notice; this responsibility must be borne by the landowner. Staff recommends the Conservancy discontinue investigations and negotiations aimed at the State acquiring the parcel, and instead secure a permanent public access easement.

DISCUSSION:

As reported to the Board at the June meeting, the involved parties have been making progress toward meeting the Board's benchmarks with diligence and in good faith. At this point staff expects that reasonable progress can be achieved by December 2018 toward demonstrating the feasibility the North Palm Access.

The SJRAC [a nonprofit 501(c)(3) organization] has retained a consultant that submitted a post-closure land use plan to the County of Fresno Health Department and Regional Water Quality Control Board in July. Upon approval of the post-closure plan, completion of a pending lot line adjustment, and the proposed determination by the Board that the revised easement allows the

September 5, 2018

Agenda Item: F-1

Page 2

project to proceed, the SJRAC can close escrow. Preliminary approval of the City Bluff Protection Overlay District and Tree Removal ordinance exemptions and a public access easement could be secured by the end of the year. With preliminary plans and approvals secured by December 31, progress will be made to the extent reasonably achievable, and the feasibility of the North Palm Access will be assured.

In the absence of public fee title ownership, a permanent public access easement must be secured prior to the Conservancy investing State funds in the planned public access improvements on the property. The SJRAC have indicated to staff that they are willing to retain ownership of the property and grant a permanent public access easement to a public entity. The Conservancy's land agent from the Wildlife Conservation Board has been participating in the implementation work group meetings. Staff has requested the Wildlife Conservation Board to research and provide examples of required terms and conditions for a public access easement. Land acquisitions (including easements) whether purchased by or donated to the State, require appraisals, a series of approvals by the Board, Wildlife Conservation Board, Department of General Services, and Department of Finance (if donated), and the preparation of title records, transaction agreements, site assessments, and other documents. Board and SJRAC concurrence on the terms of the public access easement would constitute reasonable progress toward meeting that benchmark; however, due to the prolonged State due diligence and approval process, which would take at a minimum seven months, the transaction would not be fully approved and recorded until 2019.

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

SOB ENTERPRISES, LLC
7545 N. Del Mar Avenue, Suite 206
Fresno, CA 93711

SPACE ABOVE THE LINE FOR RECORDER'S USE ONLY

EASEMENT AGREEMENT & DEED

THIS EASEMENT AGREEMENT & DEED (the "Agreement") is made effective as of _____, 20____, by and between (i) SAN JOAQUIN RIVER ACCESS CORPORATION, a California mutual benefit corporation ("**Grantor**"), and (ii) SOB ENTERPRISES, LLC, a California limited liability company ("**Grantee**"). Grantor and Grantee are sometimes collectively referred to herein as the "**Parties**" and singularly by their individual names or as "**Party**".

RECITALS:

- A. Grantor is the owner of that certain real property located in Fresno County, California, as more particularly described in Exhibit 1 attached hereto and incorporated herein by this reference (the "**Servient Tenement**").
- B. Grantee is the owner of that certain real property located in Fresno County, California, as more particularly described in Exhibit 2 attached hereto and incorporated herein by this reference (the "**Dominant Tenement**").
- C. The Dominant Tenement is situated adjacent or in close proximity to the Servient Tenement and currently enjoys the views of the river bottom area in essentially its natural state.
- D. Grantor plans to develop a parking lot on the Servient Tenement to provide public access to the recreational opportunities afforded by its proximity to the San Joaquin River.
- E. Grantor received title to the Servient Tenement from Grantee and as part of the consideration for such acquisition, Grantor agreed to convey this Easement to Grantee to protect the Dominant Tenement.

EASEMENT GRANT:

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Grant of Easement. Grantor hereby grants to Grantee, and its successors and assigns, an easement for lateral support and unobstructed light, air, and view of the Servient Tenement and the San Joaquin River.

2. Grantor's Use of Servient Tenement. Grantor shall have the right to either maintain the Servient Tenement in its natural state or develop a parking lot on the Servient Tenement to provide public access to the San Joaquin River; provided, however:

(a) Unless otherwise agreed by Grantee in its reasonable discretion, the improvements on the Servient Tenement shall conform approximately to the conceptual configuration shown in Exhibit 3, except that Grantor may adjust the plan to modify or incorporate additional pedestrian trails and pathways to connect to the Lewis Eaton Trail and to the Palm Avenue and Nees Avenue intersection via the City of Fresno's and State of California's existing public access easements and/or other publicly acquired routes. Grantor shall include landscaping, which may consist of unirrigated native plants once established, and may include trees to the extent allowed under any approved post-closure land use plan. Unless otherwise approved in advance and in writing by the Grantee, no permanent buildings shall be erected on the Servient Tenement other than a ticket or entrance structure and shade structures. All improvements on the Servient Tenement shall be constructed in compliance with applicable laws and regulations;

(b) No more than 40 parking stalls shall be constructed on the Servient Tenement;

(c) Motor vehicles, other than Grantors' (and their agents and consultants), emergency response, maintenance, and management vehicles, shall only access the Servient Tenement by means of a paved road from Palm Avenue to be constructed substantially along the alignment depicted in Exhibit 3 attached hereto and incorporated herein by this reference;

(d) The improvements on the Servient Tenement shall be low-profile and shall not interfere with the views of the San Joaquin River and its banks from the Dominant Tenement;

(e) Grantor shall not conduct or permit any activity or use on the Servient Tenement that: constitutes a private or public nuisance as those terms are defined under California law or the laws of the City of Fresno, emits any noise or sound that is objectionable due to intermittence, beat, frequency, shrillness, or loudness in violation of the City of Fresno Noise Regulations set forth in Fresno Municipal Code Section 10-101, *et seq*, as may be amended; emits any obnoxious odor; involves the use of any noxious, toxic, caustic, hazardous, or corrosive fuel, gas, or other substance; produces dust or dirt in exceedance of standards; involves a risk of fire, explosion, or other dangerous hazard, other than fire prevention activities; involves the burning or

incineration of garbage or refuse; or violates any law, ordinance, or regulation of any governmental entity with jurisdiction thereover;

(f) If lights are installed on the Servient Tenement, they shall only be operated during the hours of operation set forth in Paragraph 2(g) below, other than security lighting installed with appropriate shields to prevent glare and ensure that light is not directed to the river, the top of the bluff (including the Dominant Tenement), or surrounding area;

(g) Public vehicular access via the paved road from Palm Avenue shall be provided only during the operational hours of the Lewis Eaton Trail and consistent with Fresno Municipal Code section 10-1501, *et seq.*, as may be amended; and

(h) If allowed by the City of Fresno, public vehicular access shall be controlled by means of a fence and gate to be constructed at the top of the bluff at Palm Avenue, and if not, as close to the top of the bluff as will be allowed by the applicable governmental agencies. Said gate shall remain locked to prevent entry onto the Servient Tenement at all times other than the period set forth in Paragraph 2(g) above; however, Grantor and the City may install a mechanism for the gate that allows for automatic egress from the Servient Tenement outside the period set forth in Paragraph 2(g).

3. Development of Dominant Tenement. Grantor agrees that Grantee may develop the Dominant Tenement to any use that Grantee, its successors and assigns, may desire and Grantor agrees that it shall not oppose any proposed development or the construction of any improvements on the Dominant Tenement. At Grantee's request, Grantor shall provide letters publicly supporting any such development or improvement. This Paragraph shall not apply to any public agency that acquires the Servient Tenement.

4. Term. This Easement is appurtenant to both estates, and shall run with the land in accordance with California Civil Code Sections 1460 through 1471, inclusive.

5. Miscellaneous.

(a) Construction of Terms. As used in this Agreement, the terms "herein," "herewith" and "hereof" are references to this Agreement, taken as a whole, the term "includes" or "including" shall mean "including, without limitation," and references to a "Paragraph", "subparagraph", "clause", "Exhibit", "Appendix" or "Schedule" shall mean a Paragraph, subparagraph, clause, Exhibit, Appendix or Schedule of this Agreement, as the case may be, unless in any such case the context requires otherwise. All references to a given agreement, instrument or other document shall be a reference to that agreement, instrument or other document as modified, amended, supplemented and restated through the date as of which such reference is made, and reference to a law,

regulation or ordinance includes any amendment or modification thereof. A reference to a person includes its successors and assigns. The singular shall include the plural and the masculine shall include the feminine, and vice versa.

(b) Amendments. No change, amendment or modification of this Agreement shall be valid or binding upon the parties unless such change, amendment or modification shall be in writing, duly executed by both Parties and recorded in the same manner as the original Agreement.

(c) Captions. The captions contained in this Agreement are for convenience and reference only and in no way define, describe, extend or limit the scope or intent of this Agreement or the intent of any provision contained herein.

(d) Notice and Opportunity to Cure. If Grantor fails to perform any of its obligations as provided herein and such failure continues for 90 days after written notice to Grantor, or if such failure cannot be reasonably cured within such 90 day period and Grantor fails to begin to cure within such 90 day period (which may include efforts to obtain bids from third parties to perform needed work) and with reasonable diligence and in good faith pursue a cure until completion, then Grantee shall have the right to pursue all available equitable and legal remedies to compel compliance, including but not limited to injunctive relief and specific performance. In addition, the Grantee shall have the right, but shall not be obligated, to take such action as shall be reasonably necessary to cure the default or enforce the covenants herein, at Grantor's sole cost and expense.

(e) Severability. The invalidity of one or more phrases, sentences, clauses or paragraphs contained in this Agreement shall not affect the validity of the remaining portions of this Agreement so long as the material purposes of this Agreement can be determined and effectuated.

(f) No Waiver. Any failure of either party to enforce any of the provisions of this Agreement or to require compliance with any of its terms at any time during the pendency of this Agreement shall in no way affect the validity of this Agreement, or any part hereof, and shall not be deemed a waiver of the right of such party thereafter to enforce any and each such provision. Any consent or approval given pursuant to this Agreement shall be limited to its express terms and shall not otherwise increase the obligations of the party giving such consent or approval or otherwise reduce the obligations of the party receiving such consent or approval.

(g) Further Assurances. Each party agrees to execute and deliver all further instruments and documents reasonably acceptable to such party, and take any further action reasonably acceptable to such party that may be reasonably necessary to effectuate the purposes and intent of this Agreement.

(h) Conflicting Provisions. In the event of any conflict between this document and any Exhibit hereto, the terms and provisions of this document, as amended from time to time, shall control. In the event of any conflict among the Exhibits, the Exhibit of the latest date mutually agreed upon by the parties shall control.

(i) Applicable Law. This Agreement shall be governed by, construed and enforced in accordance with the laws of the State of California.

(j) Survival. Notwithstanding any provision of this Agreement to the contrary, expiration or other termination of this Agreement shall not relieve the parties of obligations that by their nature should survive such expiration or termination, including remedies in the case of a termination for an event of default, promises of indemnity, payment obligations, confidentiality, audit rights, and dispute resolution provisions.

(k) Entire Agreement. This Agreement sets forth the full and complete understanding of the parties relating to the subject matter hereof and supersedes any and all negotiations, other agreements and representations made or dated prior thereto with respect to such subject matter.

(l) Time of Essence. Time is of the essence with respect to all matters provided in this Agreement.

(m) Attorneys' Fees. In the event that a party fails to perform any of its obligations under this Agreement or in the event a dispute arises concerning the meaning or interpretation of any provision of this Agreement, the defaulting party or the party not prevailing in such dispute, as the case may be, shall pay any and all reasonable costs and expenses incurred by the other party in enforcing or establishing its rights hereunder, including, without limitation, court costs and reasonable counsel fees. The right of a Party, as the case may be, to all costs and expenses incurred by it in enforcing or establishing its rights hereunder shall include, without limitation, all costs and expenses incurred by the prevailing party, including, without limitation, court costs and reasonable counsel fees, in the enforcement of this Agreement, whether or not legal action was commenced, and including all such costs and expenses incurred in an action or participation in, or in connection with, a case or proceeding under Chapter 7 or 11 of the Bankruptcy Code, or any successor statute thereto.

(n) Third Party Beneficiaries. The City of Fresno is deemed a third party beneficiary for purpose of enforcing this Agreement.

(o) Binding Agreement. This Agreement shall be binding upon, and shall inure to the benefit of, the parties and their respective heirs, successors, and assigns.

IN WITNESS WHEREOF, this EASEMENT AGREEMENT & DEED has been executed effective as of the first day written above.

GRANTEE

SOB ENTERPRISES, LLC,
a California limited liability company

By: _____
Stanley L. Spano, its Manager

GRANTOR

**SAN JOAQUIN RIVER ACCESS
CORPORATION,** a California mutual
benefit corporation

By: _____
Barry Bauer, its President

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Fresno)

On _____, before me, _____, a Notary Public, personally appeared STEVEN L. SPANO, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Fresno)

On _____, before me, _____, a Notary Public, personally appeared BARRY BAUER, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

EXHIBIT 1

Legal Description of the Servient Tenement

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

[this needs to be filled in]

EXHIBIT 2

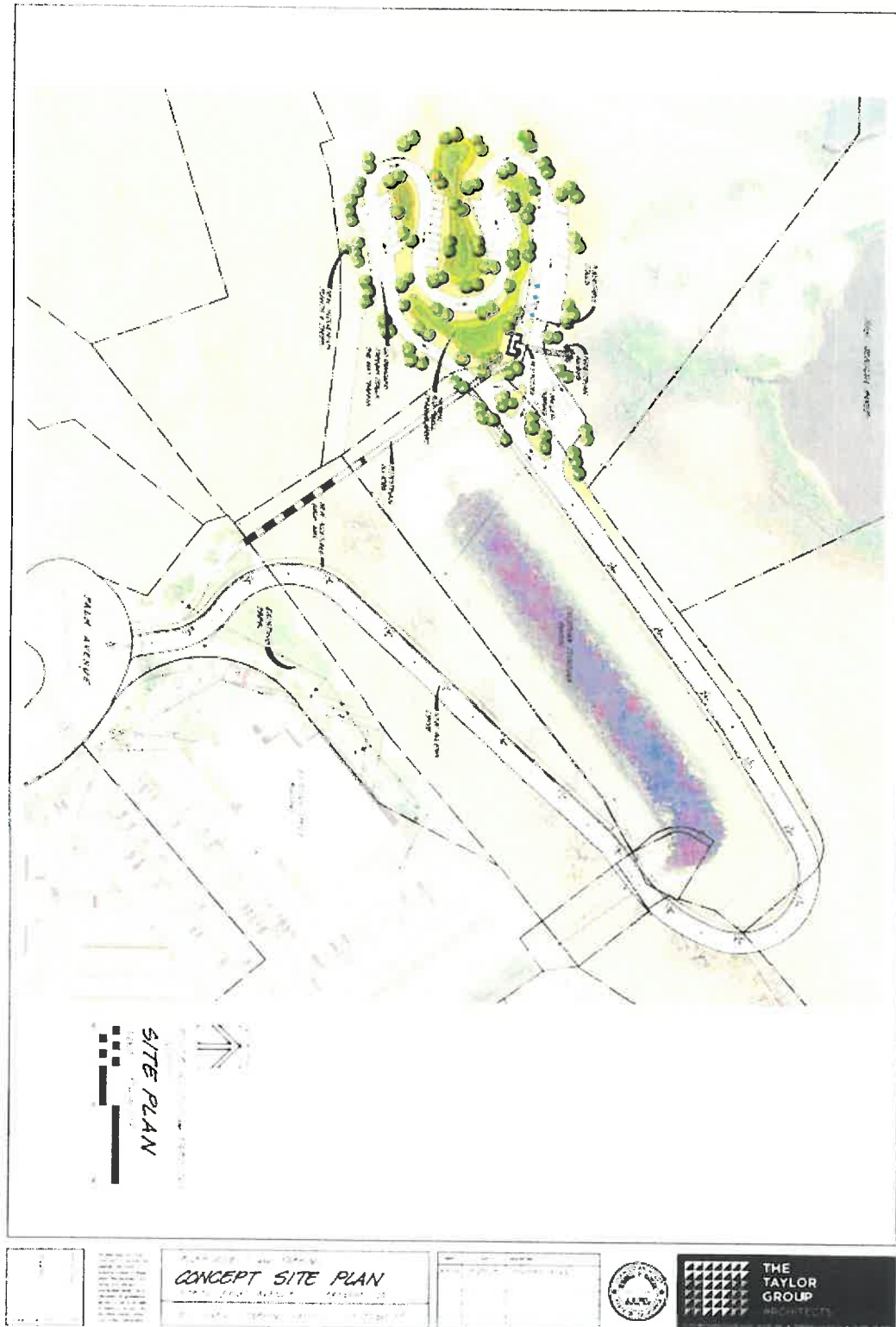
Legal Description of the Dominant Tenement

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

[this needs to be filled in]

Exhibit 3

Site Plan





SAN JOAQUIN RIVER CONSERVANCY

Agenda Item

Item: F-2

September 5, 2018

TO: San Joaquin River Conservancy
Governing Board

FROM : Melinda S. Marks, Executive Officer

SUBJECT: **Adopt Resolution 18-02, Intent to Cooperate in Public Access Application for Ball Ranch and Ledger Island Trails to the State Lands Commission; Applicant: The River Conservancy at Tesoro Viejo**

RECOMMENDATION:

It is recommended the Board approve Resolution 18-02 (Attachment 1), which expresses the Conservancy's intent to cooperate in a lease and planning application to the State Lands Commission from the River Conservancy at Tesoro Viejo (RCTV) to evaluate pursuant to the California Environmental Quality Act (CEQA) the potential impacts of providing public access to Parkway Master Plan trails at Ball Ranch and Ledger Island, along with other public access proposed by RCTV. The recommended action approving the Conservancy's participation in this planning effort does not constitute any pre-determination that the Board will approve the proposed trails, proposed operations agreement, funding for any improvements, or any other action under the Conservancy's jurisdiction.

SUMMARY:

Tesoro Viejo development corporation is working on developing a trail for its residents on its property, from the Tesoro Viejo community to the San Joaquin River in Madera County. The trail will provide access to state sovereign lands and public trust lands along the riverbank, including the riverfront of Ledger Island.

RCTV proposes to apply to the State Lands Commission for a lease to construct and maintain public access improvements on lands under the agency's jurisdiction. The State Lands Commission would conduct the necessary planning and CEQA environmental studies for the proposed project which would open the proposed Tesoro Viejo community trail to the general public and develop a hiking trail on state sovereign lands along the river in Madera County, and develop public river access and a staging area in Fresno County on land owned by the development corporation and on state sovereign lands adjacent to the Conservancy's Ball Ranch. RCTV would provide funding for operations and maintenance of the trails through property transfer fees generated at Tesoro Viejo.

Subject to Board approval, the application would also propose public access to trails planned in the Parkway Master Plan at Ledger Island and Ball Ranch, supported by an operations and maintenance agreement with the Conservancy. The proposed trails and public access project is a revised, scaled-down proposal by RCTV, compared to the many proposed project elements presented to the Board in September 2016.

The opportunity to implement Parkway Master Planned hiking trails on Ball Ranch and Ledger Island through a dedicated operations and maintenance funding source should be considered in an appropriate public participation and environmental review pursuant to CEQA. The application for a lease and environmental review would be conducted by the State Lands Commission and its environmental division. Public participation in compliance with CEQA would be conducted to secure input regarding the proposed public access. Public access into Ball Ranch and Ledger Island are reasonably foreseeable future projects associated with RCTV's plans for adjacent private and public lands, and the potential impacts should be considered within the scope of its application and the State Lands Commission's environmental review. All costs of the environmental review performed by the State Lands Commission would be borne by the applicant through a reimbursement agreement. The State Lands Commission routinely conducts environmental reviews and serves as lead agency for projects which extend over multiple local and state land use jurisdictions and involve leases for development and maintenance of improvements on state sovereign lands.

It is recommended the Board consider and approve participating in the proposed application, while acknowledging that its approval to cooperate in planning studies does not predetermine or commit it to approving specific improvements, uses, or agreements within its jurisdiction in the future.

Ledger Island and Ball Ranch were among the first properties acquired for the Parkway, and in compliance with the San Joaquin River Conservancy Act (but contrary to the Conservancy's purposes and plans) have remained closed for general public use due to lack of operations resources. The properties are used by stewardship group volunteers and participants through license agreements with the Conservancy; however, this does not fully serve the broader public's interests in low-impact recreation. The properties support wildlife habitat, therefore the Parkway Master Plan, conceptual Ball Ranch Master Development Plan, and conceptual River Center to Ledger Island hiking trail plan propose to utilize former haul roads, involve minimal improvements, and maintain large areas for protected habitat. Any plans presented by RCTV through this cooperative planning process must be consistent with the Conservancy's plans, purposes, goals, and policies.

DISCUSSION:

In January 2015, the Fresno and Madera County Boards of Supervisors directed their staffs to explore concepts to open Parkway lands to the public with the Tesoro Viejo developers and the Conservancy.

In February 2015, Mr. Brent McCaffrey, President of Tesoro Viejo development and McCaffrey Homes, presented a conceptual proposal to the Conservancy Board to develop a public trail system at Ledger Island, Ball Ranch, and in the Rio Mesa Area of Madera County. The corporation owns lands contiguous to Ball Ranch on the Fresno side of the river and connecting to Ledger Island on the Madera side. The company proposed that operations and maintenance of the trail system could be managed through a public/private partnership. The concept could create connected public trails within the Parkway and Rio Mesa in Madera County, and could provide public access at Ball Ranch and Ledger Island consistent with the Conservancy's mission and policies.

At that time the Board approved a motion to direct staff to explore partnerships to develop and sustain Parkway public access in the vicinity of Ball Ranch and Ledger Island with the developer and with the county planning staffs. Discussions and meetings have been ongoing since that time, including a proposal presented to the Board in September 2016, which this proposal significantly revises, scales back, and supersedes.

Staff recommends working with RCTV, the project applicant, to develop a proposal and apply for a lease to the State Lands Commission, including the required CEQA analysis of potential environmental impacts for proposed public access on the applicant's own lands, on state sovereign lands and public trust lands, and on Ball Ranch and Ledger Island under the Conservancy's jurisdiction.

The RCTV has been established as a nonprofit organization to fund and serve the needs of the public for Parkway facilities, management, and services in the vicinity of Tesoro Viejo. Transfer fees generated by the sale and resale of properties within Tesoro Viejo will be administered by the RCTV to provide Parkway operations and maintenance. If approved by future action of the Board, services could be provided through a contract with the Conservancy. Since the company will soon begin selling units, it is important to memorialize the Conservancy's intent to cooperate in planning through the proposed resolution.

The attached Resolution 18-02 expresses the Conservancy's intent to participate and cooperate in planning studies with the applicant and the State Lands Commission, and allows planned hiking trails on Ball Ranch and Ledger Island to be included in the application.

Once the proposed project has secured State Lands Commission approval, the Conservancy would consider the adequacy of the environmental document for potential approval of public access and trails on the Conservancy's Ball Ranch and Ledger Island, as well as potential approval of an operations and maintenance agreement.

Attachment:

Resolution 18-02, Intent to Cooperate in Public Access Application for Ball Ranch and Ledger Island Trails to the State Lands Commission; Applicant: The River Conservancy at Tesoro Viejo

**SAN JOAQUIN RIVER CONSERVANCY
RESOLUTION 18-02**

**Intent to Cooperate in Public Access Application for Ball Ranch and Ledger Island Trails
to the State Lands Commission;
Applicant: The River Conservancy at Tesoro Viejo**

WHEREAS, The River Conservancy at Tesoro Viejo (RCTV) proposes to apply to the State Lands Commission for a lease to construct and maintain public access improvements on lands under the agency's jurisdiction, and the State Lands Commission would conduct the necessary planning studies pursuant the California Environmental Quality Act (CEQA) to: develop and open to the general public a trail leading from the Tesoro Viejo community to the river in Madera County, to develop a public river access and staging area on land owned by the development corporation and on state sovereign lands in Fresno County, and to provide and maintain associated hiking trails and public access improvements within state sovereign lands and public trust lands; and

WHEREAS, RCTV proposes to include in its application and the State Lands Commission's CEQA planning and review, adjacent planned hiking trails at Ball Ranch and Ledger Island consistent with the San Joaquin River Conservancy's Parkway Master Plan; and

WHEREAS, Ledger Island and Ball Ranch were among the first properties acquired for the Parkway and have long been planned for public access and low- impact recreation; however, in compliance with the San Joaquin River Conservancy Act they have remained closed for general public use due to lack of operations resources; and

WHEREAS, RCTV has been established as a nonprofit organization to fund and serve the needs of the public for Parkway facilities and management in the vicinity of Tesoro Viejo, will administer transfer fee revenues generated by the sale and resale of properties within Tesoro Viejo to provide for Parkway operations and maintenance, and proposes a future operations and maintenance agreement with the San Joaquin River Conservancy.

NOW THEREFORE BE IT RESOLVED, the Board hereby expresses its intent and direction to staff to cooperate in a lease application from the RCTV to the State Lands Commission to evaluate pursuant to CEQA the potential impacts of proposed public access improvements and uses on the applicant's own lands, on state sovereign lands and public trust lands, and on planned trails on lands under Conservancy jurisdiction, specifically Parkway Master Plan trails at Ball Ranch and Ledger Island.

FURTHER, BE IT RESOLVED, any proposed plans presented by RCTV through this cooperative planning process must be consistent with the Parkway Master Plan and other Conservancy plans, purposes, goals, and policies.

FURTHER, BE IT RESOLVED, the Conservancy's participation in this planning effort does not constitute any pre-determination that the Board will approve the proposed trails, proposed operations agreement, funding for any improvements, or any other action under the Conservancy's jurisdiction; at such time as the proposed project has secured State Lands Commission approval, the Conservancy would consider the adequacy of the environmental

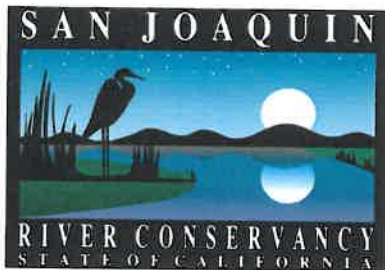
document for potential approval of public access and trails on the Conservancy's Ball Ranch and Ledger Island, as well as potential approval of an operations and maintenance agreement.

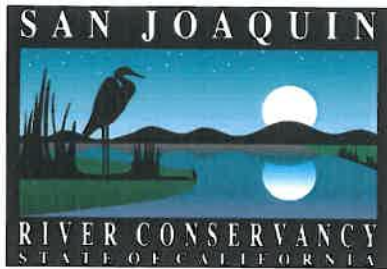
Resolution 18-02 is hereby passed and adopted this day of September 5, 2018, by motion and vote of the San Joaquin River Conservancy Board.

ATTEST:

Brett Frazier, Chairperson

Melinda S. Marks, Executive Officer





250.20, 700.30

THE SAN JOAQUIN RIVER CONSERVANCY

Agenda Item

Item: G-3a

September 5, 2018

TO: San Joaquin River Conservancy
Governing Board

FROM: Melinda S. Marks, Executive Officer

SUBJECT: Status Report for Informational Purposes on Board-Accepted Priorities for Land Acquisitions, Habitat Enhancement, Public Access, and Recreation Projects

RECOMMENDATION:

This report is provided for informational purposes. No formal Board action is recommended. The Board may direct the new Executive Officer to review project priorities with member agencies, partners, and stakeholders over the next few months and present updated recommendations.

SUMMARY:

In 2014 the Board accepted the land acquisition, habitat enhancement, public access, and recreation project priorities recommended by the Conservancy's Interagency Project Development Committee, and directed staff to develop proposals for funding and authorizing near-term high-priority projects as they became feasible and viable. Each resulting land acquisition and project proposal was managed subject to appropriations, cash flow management, California Environmental Quality Act (CEQA) compliance, willing sellers, operations and maintenance resources, the development of partnerships, and approval of the Board.

The Conservancy has accomplished or made significant progress toward the majority of the high-priority projects as shown on Table 1. With new voter-authorized bond funds infused for Parkway investments, at this time there is a balance of approximately \$32.9 million in bond funds authorized by the voters for the land acquisitions, habitat improvements, and public access, recreation, and education projects, plus \$5.9 million available for ecosystem and watershed benefit grants. All of the funds have been appropriated or are expected to be appropriated to the Conservancy through the Wildlife Conservation Board's budget.

Once the new Executive Officer is on-board, he or she should review priorities with partners and stakeholders and provide updated recommendations to the Board.

DISCUSSION:

State voters have authorized a total of \$92 million in bond funds for the Parkway, plus \$10 million for watershed benefits. At its discretion, the Conservancy Board has identified land acquisition as its highest priority. It has an allocation goal of 70% of all Parkway bond funds to land acquisitions and 30% to habitat enhancement, public access, and recreation capital improvement projects.

In 2002 the Conservancy formed an Interagency Project Development Committee to periodically provide input to the Board regarding active and potential projects. The committee includes staff of member and cooperating agencies, representatives of the San Joaquin River Parkway and Conservation Trust and other partners, and any member of the public with an interest in attending.

In May 2014, the committee participated in an exercise to prioritize projects relative to the remaining balance of bond funds. Committee members had the opportunity to express their support and reservations regarding possible projects that were consistent with the Parkway Master Plan. Criteria for evaluating projects have been used by staff and the committee since 2002 and are now included in the Parkway Master Plan Update.

The committee's recommended priorities, as accepted by the Board, and progress toward accomplishing those projects are summarized in the Table 1. There was strong consensus among the Committee members regarding the recommended highest priorities, and no reservations. There was broad support, with a few reservations, for the balance of high-priority projects. Medium priorities had moderate support with some reservations, and the lowest priorities had weak support and many reservations. Committee members' concerns often related to the need for cost-sharing or charitable contributions, or the expectation that the project would not be ready or timely within the five-year planning window.

While the Conservancy has significant funds to apply toward its highest Parkway development priorities, as they may evolve, there would remain a large unfunded need to acquire the remaining 2,055 acres of lands targeted in the San Joaquin River Conservancy Act to complete a contiguous Parkway and to pursue lower priority and other future projects.

The Conservancy greatly appreciates the time committee members devote to these evaluations. The process is essential to ensure a conscientious process for awarding and expending bond funds, and valuable in securing the support of the Conservancy's partners and member agencies as the Parkway Master Plan is incrementally developed.

	TABLE 1 PRIORITIES APPROVED 2014	2014	2018 PROGRESS AND NOTES
	<u>Balance of Bond Funds</u>	\$36,600,000	\$32.9 million for the Parkway; plus \$5.9 million for watershed benefits
	PRIORITIZED PROJECTS		
	HIGHEST PRIORITIES, FULL SUPPORT/ NO RESERVATIONS		
	Gravel Pit 46e access and hab. restoration		COMPLETE
	Ball/Cemex Plant Site acquisition		Purchase offer rejected
	Jenco Farms acquisition		COMPLETE
	Fish Hatchery visitor improvement augmentation		COMPLETE
	Sycamore Island Off-Stream fishing & access improvements		In Progress , funded by Prop 1
	River Vista Park and Derelict Bridge Demolition		Approved pursuant to CEQA ; need partner to begin permitting, demolition, design, and construction ¹
	HIGH PRIORITIES, STRONG SUPPORT/ SOME RESERVATIONS		
	River West Fresno Eaton Trail Extension		Approved pursuant to CEQA ; need partner to begin permitting, design, and construction
	Riverbend Ranch acquisition		Seller terminated negotiations
	Habitat Restoration on River West (Spano)		In progress
	Canoe Rest Stop Facilities		
	Lost Lake Park EIR		County of Fresno was planning to submit proposal once Parkway Master Plan Update was approved

¹ See agenda item May 2, 2018, regarding North Fork Road bridge

	Ledger Is. Bridge Flood Protection (Rehabilitate or replace)		Structural report complete; will require extensive engineering/consulting/permitting and \$6+ million investment
	Vulcan acquisition		Vulcan is aware is Conservancy's interest, but is not at this time a willing seller
	Riverside Trail kiosk and restrooms		Need partner to begin planning, design, and construction
	Milburn, Bluff Pointe public access and water infrastructure		Connection Approved by City; need to advance funds for DGS to scope and budget
	SSS&D acquisition		Offer to sell w/drawn
	Sycamore Is. boat launches, disk golf, road and trail improvements		
	Riverbottom Park construction		Approved per CEQA; plans and specs. complete; need City of Fresno agreement to begin construction
	Camp Pashayan public access improvements		
	River Center picnic shelter and interpretive improvements		In-progress
	Owl Hollow Education and Boating Rest Stop		In-Progress
	MEDIUM PRIORITIES, MODERATE SUPPORT/ SOME RESERVATIONS		
	Owl Hollow conservation easement		Proposal w/drawn
	Lost Lake Park Endangered Species Surveys		
	Beck Pond public access and fishing improvements		
	Habitat improvement on additional SJRC properties		Board suggested funding CEQA studies for Ball Ranch and other habitat projects to accelerate ability to award grants
	Caglia property trailhead and access improvements		

	Ball Ranch pond habitat enhancement and public safety improvements		See habitat improvements above
	Camp Pashayan to Riverside trail segment—acquisition of easements		
	Palm Bluffs public access improvements		Related facilities incorporated in River West Project, North Palm access CEQA approval
	Additional segments of the Parkway multi-use trail		
	Misc. Hiking Trail Development		
	Jensen River Ranch to Bluff Trail		Terminated consideration
	LOW PRIORITIES, LITTLE SUPPORT/ MANY RESERVATIONS/ LIMITED OPPORTUNITIES		
	Landmark Bridge environmental review and planning		
	Old Hwy. 41 Bridge traffic calming and trail-sharing		Bridge to be placed in local agency ownership, will provide new opportunity
	Other Land Acquisitions necessary to meet target		In progress , as offered by willing sellers; Vinnard completed